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Civil Procedure; summary proceeding

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Civil Procedure; ordinance violation—civil liability

NEV. REV. STAT. § 244.— (new); § 176.059 (amended).

SB 313 (Committee on Government Affairs); 1989 STAT. Ch. 497

Chapter 497 provides that counties¹ may impose a civil liability² rather than a criminal penalty for the violation of a county ordinance.³

DA

1. See NEV. REV. STAT. §§ 244.010-.094 (1987) (provisions regarding board of county commissioners).

2. See 1989 Nev. Stat. ch. 497, sec. 1, at — (enacting NEV. REV. STAT. § 244.—) (must provide for civil liability in the ordinance).

3. *Id.* The civil liability shall not exceed \$155. *Id.* This \$155 limit does not apply to ordinances that control metered parking or specifically impose a civil liability pursuant to Nevada Revised Statute section 268.019. *Id.* sec. 2, at — (amending NEV. REV. STAT. § 176.059).

Civil Procedure; summary proceeding

NEV. REV. STAT. § —.— (new).

AB 382 (Sheerin); 1989 STAT. Ch. 233

Chapter 233 creates the option of summary proceeding¹ in the district court when the amount in controversy is not less than \$2,500 nor more than \$15,000.² Each party must agree to the summary procedure,³ file affidavits establishing a claim or a defense,⁴ and file a trial memorandum.⁵ A summary proceeding does not allow discov-

1. See 1989 Nev. Stat. ch. 233, sec. 2, at — (enacting NEV. REV. STAT. § —.—) (summary proceeding means an action governed by Chapter 233).

2. *Id.* sec. 3, at — (enacting NEV. REV. STAT. § —.—).

3. *Id.* (stipulation must be in writing, signed by each party, and filed before the case conference report is due under Rule 16.1 of the Nevada Rules of Civil Procedure). The court or a party, upon a motion, may rescind the summary proceeding designation for good cause. *Id.*

4. *Id.* sec. 4, at — (enacting NEV. REV. STAT. § —.—) (plaintiff must file affidavits within 30 days after filing of stipulation; defendant must file affidavits within 30 days after plaintiff files affidavits, and plaintiff has 15 days to respond). The affidavit must be under oath, identify the affiant, and set forth only facts that would be admissible at trial. *Id.*

5. *Id.* sec. 6, at — (enacting NEV. REV. STAT. § —.—) (the memorandum must contain a concise statement of facts to support the party's claim, the undisputed facts, any issues of law, and any other information to assist the court in resolving the matter).

ery,⁶ a jury, or a record of the proceedings.⁷ The court is required to examine the witnesses.⁸ However, each party is entitled to cross-examine any witness and argue their case before the court.⁹

JMM

6. See *id.* sec. 5, at ___ (enacting NEV. REV. STAT. § _____.) (discovery under Rules 26 to 37 of the Nevada Rules of Civil Procedure).

7. *Id.* sec. 7, at ___ (enacting NEV. REV. STAT. § _____.).

8. *Id.*

9. *Id.* The judgment of the court under Chapter 233 is not appealable. *Id.* sec. 8, at ___ (enacting NEV. REV. STAT. § _____.).

